

REMARKS

Upon entry of the present Amendment the Claims under consideration are 6-11. Claims 1-5 have been withdrawn by the Examiner as drawn to a non-elected species. Claims 6-11 stand as originally filed. Applicants respectfully request reconsideration of all rejections of the present Claims. The Detailed Action of 08 December 2003 will now be addressed with reference to the headings and any paragraph numbers therein.

Claim Rejections -35 USC §102

Per paragraph 3 of the Detailed Action, Claims 6-11 stand as anticipated by WO 97/13898 to Slack (hereinafter Slack).

Generally, Slack teaches that a homofilament fiber may be extruded through a shaped capillary to obtain a crimped fiber.

It is the contention of the Detailed Action, that the teaching of the fibers of Slack, having a reduction in circular cross section of “substantially 25%” anticipates the claimed capillary structure having less than 25% reduction of cross-sectional area as used in the method of the present invention.

Applicants respectfully traverse and request reconsideration of the present rejection. With respect to its capillaries, Slack only teaches a single shape with an absolute one quarter, i.e. 25%, reduction in the circular cross section of the capillaries. Any teaching by Slack of “substantially 25%” is only with reference to its fibers and not the capillaries themselves (presumably to account for change in cross sectional shape of the polymer upon exiting the capillary).

Contrarily, the present invention teaches that a reduction of less than 25% cross-sectional area of the capillary leads to a more robust process for producing crimped fibers of consistent shape and consistently superior degree of crimping. The present Claims accordingly reflect such teaching.

Further, with respect to Claim 7, it is the contention of the Detailed Action that Slack anticipates the claimed directional quenching (towards the cut-out area of the fiber) of the present invention. Applicants, after careful study of Slack, can see no reference to the direction of differential quenching taught by Slack. Thus, Slack cannot anticipate the present Claim and the rejection should be withdrawn.

Further, with respect to Claims 8 and 9, it is the contention of the Detailed Action that Slack anticipates the claimed drawing of the fibers while in their plastic state to produce fibers with a substantially round cross section. Applicants, after careful study, can see no reference to the drawing of fibers in their plastic state by Slack. Rather, it appears clear from a reading of page 10 of Slack, that a stretching of the fibers by the godet rollers takes place only after the fibers have been crystallized. Thus, Slack cannot anticipate the present Claims and the rejection should be withdrawn. The contention of the Detailed Action further points to differences between the present invention, which uses the air flow of a spun bond process to draw and form the fibers, and Slack, which teaches a further mechanical pulling of the formed fibers. It is believed that the present invention can offer a simpler process which would be more efficient for the formation of a web, and would offer a different web than one made from the fibers of Slack.

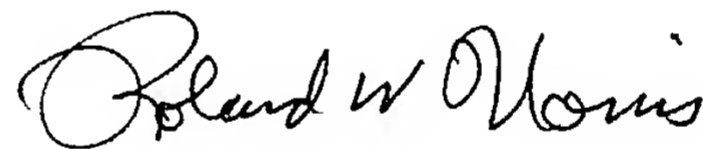
Claims 10 and 11, as dependent from Claims 6 and 8 respectively, and incorporating all limitations therein, also cannot be anticipated by Slack, per the above discussions.

The Examiner is invited to call Applicants' undersigned attorney should the Examiner feel that any issues remain after having considered the effect of this reply and it appears that an interview or consultation would result in expediting the case to a final action.

For all the foregoing reasons, the Claims as presently amended are believed to be allowable over the art of record. A notice to that effect is earnestly solicited.

Favorable consideration is requested.

Respectfully submitted,



Roland W. Norris

Registration No. 32,799

Pauley Petersen & Erickson
2800 West Higgins Road; Suite 365
Hoffman Estates, Illinois 60195
TEL (847) 490-1400
FAX (847) 490-1403
rnorris@ppelaw.com